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FILED  
U.S. DISTRICT COURT  
NORTHERN DIST. OF TX  
FT. WORTH DIVISION

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

2016 JAN 7 8 AM 11:15

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UNITED STATES OF AMERICA,

CRIMINAL ACTION NO.

v.

4:15 CR 152-A

PHILLIP SCHENCK (07)  
Defendant.

CLERK OF COURT

DEFENDANT'S SENTENCING MEMO and  
REQUEST FOR DOWNWARD DEPARTURE

GENERAL COMMENTS

As an initial matter, Mr. Phillip Schenck pled guilty in a timely fashion, gave up his appellate rights and acknowledged his guilt in the instant offense.

He accepts responsibility for his conduct and understands that his offense requires the appropriate attention and response of this Court.

He has embarrassed himself and humiliated his family through his illegal conduct. He is remorseful and contrite.

He understands his decision was wrong and wishes to repay society through serving the community and will never become involved in illegal conduct in the future.

He files this Memo and Request and makes the following requests:

1. GENREAL REQUEST: (3553 Consideration)

Defendant respectfully asks the Court to take into consideration his life changing experience as a young child as described in the PSR. No child should ever have to witness their mother's murder by their own father. That event, without proper counseling, has lead to a series of negative life choices to include Drug Use and Drug Sales to support his habit, as well as Mental Illness. Mr. Schenck is under a physicians care and is prescribed VISTARIL for Anxiety and SERQUEL for MENTAL DISORDER. Although that life changing experience CAN NOT excuse Mr. Schenck's conduct it CAN be considered when fashioning an appropriate sentence.

2. GENERAL REQUEST: (Sentencing at bottom of range or guideline)

Defendant would ask the Court to consider all factors and sentence him at the bottom of any range or minimum sentence.

3. GENERAL REQUEST: (Incarceration – DFW area)

Defendant would respectfully ask that the Court to make a recommendation to BOP to incarcerate him at FCI Fort Worth and as an alternative, if Fort Worth is at capacity, FCI Seagoville. The Defendant has family in both geographical areas. Counsel realizes that the BOP does not have to follow a Court's request; however and per §18 U.S.C. 3621 (b) (4), BOP Program Statement 5100.07 (welcoming a sentencing judge's recommendation and accommodating it) and this attorney's experience, the BOP will try to honor a

Court's request.

4. GENERAL REQUEST: (Drug treatment)

Defendant is respectfully requesting that he be allowed to participate in a Drug Treatment Program as well as any Mental Health Program that may be available to him while incarcerated.

Respectfully submitted,

By: Christopher K Woodward

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Attorney for Defendant

CERTIFICATE OF SERVICE

I, Christopher K. Woodward, certify that on the date shown below, a true and correct copy of the foregoing Motion was filed with the Court and the Assistant United States Attorney via hand delivery.

Date: January 8, 2016

By: Christopher K Woodward

CHRISTOPHER K. WOODWARD